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*Attorneys for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ALEXANDER D. MITTELL,

Civil Action No. 2:11-1669 (FSH/PS)

Plaintiff,

v.

PHD VIRTUAL TECHNOLOGIES,  
INC., INSIGHT VENTURE  
PARTNERS, THOMAS CHARLTON,  
RICHARD WELLS, and MICHAEL  
TRIPPLETT,

*Filed Electronically*

Defendants.

**STIPULATION AND PROPOSED ORDER**

**THIS MATTER** having come before the Court upon the application of the undersigned counsel for Plaintiff, Alexander D. Mittell (“Plaintiff”), and the undersigned counsel for Defendants, PHD Virtual Technologies Inc., Insight Venture Partners, Thomas Charlton, Richard Wells, and Michael Triplett (collectively, “Defendants”), in the above-captioned matter, for the

entry of an Order continuing and rescheduling of the return date for the Motion to Dismiss from August 1, 2011 to August 15, 2011 and extending until August 8, 2011 the time within which Defendants may file a reply to Plaintiff's Opposition to Defendants' Motion to Dismiss or, Alternatively, to Administratively Terminate This Action ("Motion to Dismiss"); and the parties hereto having jointly stipulated to the continuation and rescheduling of the return date for the Motion to Dismiss from August 1, 2011 to August 15, 2011 in order to allow them time to engage in settlement discussions.

**IT IS** on this 21st day of July, 2011;

**ORDERED** as follows:

1. Defendants shall file a reply to Plaintiff's opposition to Defendants' Motion to Dismiss by August 8, 2011; and
  2. The return date for the Motion to Dismiss is hereby set as August 15, 2011.

**SO ORDERED.**

**HONORABLE FAITH S. HOCHBERG, U.S.D.J.**

We hereby consent to the form and entry of the within Order:

ALEXANDER D. MITTELL	PHD VIRTUAL TECHNOLOGIES, INC., INSIGHT VENTURE PARTNERS, THOMAS CHARLTON, RICHARD WELLS, AND MICHAEL TRIPPLETT
By: <u>/s/ Gerald B. Sweeney</u> Gerald B. Sweeney SWEENEY LEV, LLC 460 Bloomfield Avenue, Suite 200 Montclair, New Jersey 07042 (973) 509-1800	By: <u>s/Liza M. Walsh</u> Liza M. Walsh Rukhsanah L. Lighari CONNELL FOLEY LLP 85 Livingston Avenue Roseland, New Jersey 07068 (973) 535-0500

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